

Course of Remediation to Address Denial of Rights in Connection with the Legitimization
Process at General Motors in Silao Agreed between the United States and Mexico

The United States and Mexico agree to the following Course of Remediation, for purposes of United States-Mexico-Canada Agreement (USMCA) Annex 31-A (United States-Mexico Facility-Specific Rapid Response Labor Mechanism), for the Denial of Rights determined by Mexico to exist, for purposes of USMCA Annex 31-A, for workers at the General Motors de México facility in Silao, State of Guanajuato. The agreed-upon date for remediation is September 20, 2021; however, each action specified in the Course of Remediation must occur by the date specified for such action in the Course of Remediation.

Course of Remediation

1. The Miguel Trujillo López Trade Union¹ (the union) must reinstate the legitimation process of the collective bargaining agreement (CCT) of GM Silao, no later than August 20, 2021, issuing the call at least 15 business days before the date of the consultation.
2. The dates, times and places assigned for the consultation events will be validated by STPS to ensure that they meet the necessary conditions of security, accessibility and neutrality. The locations will be away from union offices and company² management offices, and without cameras. STPS and the company will ensure that all workers who choose to vote are given a sufficient amount of paid time to vote and that workers are not coerced or required to vote. The company will create a schedule for the day(s) of voting, providing each worker with a specified paid period on the worker's usual shift during which the worker will have no work responsibilities and may, but need not, vote. Each worker will receive the same amount of paid time for this purpose, and it shall be an amount adequate for any worker at the facility to go from the individual's work site to a voting location, vote, and return. Specified paid periods for voting will be evenly distributed throughout each shift to avoid lines at voting locations. STPS will review the company's proposed schedule to ensure that it meets the criteria in this paragraph. If the company has not proposed a schedule that meets these criteria at least five days before the scheduled start of voting, STPS will create and mandate a schedule that meets these criteria.
3. The STPS will have federal inspection personnel that are necessary to verify the carrying out of the consultation. One of the aspects that the inspectors will monitor will be that every person who comes to vote displays their identification with Photograph. The inspectors will ensure that only those individuals on the STPS-approved registry of eligible voters are permitted to vote. The inspectors will also ensure that each worker can vote only once;
4. STPS will ensure that the voting area is secure. The STPS will verify that only the union

¹ Sindicato Nacional de Trabajadores de la Industria Metal-Mecánica, Sidero-Metalúrgica, Automotriz y Proveedoras de Autopartes en General, de la Energía, sus Derivados y Similares de la República Mexicana, "Miguel Trujillo López."

² The "company" includes General Motors de México, General Motors Company, and all parent companies and subsidiaries, direct or indirect, of either.

officials strictly necessary to perform the functions that are essential for the proper development of the consultation procedure are approved to be permitted in the secure voting area. STPS will approve such individuals based on transparent criteria. STPS will also specify the function that each union official permitted in the voting area is allowed to perform. STPS will ensure that company supervisors, team leaders, human resources, and other personnel do not have a presence in the voting area during the period of the vote.

5. The STPS will provide the electoral material that is required for the development of the consultation, and will safeguard it from the consultation's beginning to its conclusion. STPS will ensure that the scrutiny and tabulation of the votes is carried out at a single place and time after completion of the voting period; that is, there will be no partial computations.³
6. In the event that the union does not carry out the consultation observing the deadline of August 20, 2021, as established in the agreement of execution of the STPS on June 21, 2021⁴, the CCT will be terminated and there will be retained, for the benefit of the workers, those benefits and work conditions recognized by said contract.
7. The consultation event will be attended by observers from the International Labor Organization (ILO). The ILO observers will be present at the facility each day from the day on which the vote is announced (at least 15 business day before the vote) until the day after all voting and vote counting concludes.⁵ STPS will communicate in writing to ILO observers the code of conduct that guarantees impartiality, neutrality and no conflict of interest, as well as the requirements for their accreditation. As part of the criteria that the STPS will issue in order for the ILO to accredit its staff, it will include that these must be permanent ILO staff - they may not include representatives of the employer and worker sector - and who have not had affiliation to a Mexican union. It will be guaranteed that ILO observers have a presence in each of the voting points and throughout the duration of the consultation event, including inspecting and keeping watch on the ballot boxes.
8. In addition to observers from the ILO, the consultation event will be attended by national observers from the National Electoral Institute (INE) who are permanent staff.⁶ STPS will provide the list of accredited INE observers to the company, so that it can provide the observers with all access that they require to carry out their duties. INE observers

³ STPS resolution on the CCT legitimization procedure held between the Union Miguel Trujillo López and GM Silao, of May 11, 2021, Third Resolution, page 39.

⁴ STPS execution agreement to reinstate the legitimization procedure in GM Silao of 21 of June 2021, Second Resolution, page 7.

⁵ If the ILO is unable to fulfill its role as specified in this Course of Remediation, the United States and Mexico will agree, within three business days of either being so informed by the ILO, on an alternative. For greater certainty, if the ILO is unable to fulfill its role as specified, remediation will not have occurred in the absence of an agreement on an alternative.

⁶ If the INE is unable to fulfill its role as specified in this Course of Remediation, the United States and Mexico will agree, within three business days of either being so informed by the INE, on an alternative (another autonomous institution from Mexico). For greater certainty, if the INE or the alternative is unable to fulfill its role as specified, remediation will not have occurred in the absence of an agreement on an alternative.

will be permitted to be present at the facility on the day(s) that voting occurs. STPS will communicate in writing to INE observers the code of conduct—the same as the code of conduct provided to ILO observers—that guarantees impartiality, neutrality and no conflict of interest, as well as the requirements for their accreditation.

9. The STPS, through its inspection body, will proactively investigate and verify the conditions surrounding the consultation event. This includes identifying, documenting, and taking action to correct and sanction, misinformation, intimidation, and retaliation that has occurred in connection with the legitimization process. STPS will also proactively investigate any potential misinformation, intimidation, and retaliation moving forward and will take action to correct any such occurrence and issue sanctions for it. STPS inspectors will be present at the facility daily beginning two days from the signing of this agreement. The presence of the inspectors will increase progressively as the date of the consultation approaches, beginning with approximately eight inspectors at the facility for the entirety of each workday during the first week, and finishing with approximately thirty-two inspectors at the facility for the entirety of each workday for the entirety of the week preceding the new vote. On a daily basis, the inspectors will conduct random interviews of workers on company-provided transportation, and at pick-up/drop-off sites for that transportation, as well as at the facility. Inspectors will proactively interview workers each day to check that the environment is free from coercion and intimidation, and that the vote will be free, secret, and personal. Inspectors will document alleged or observed misconduct for follow-up remedial or punitive action by STPS.
10. STPS will collate and validate the registry of workers with the right to vote to ensure that the same list is used in the replacement of the consultation procedure as the list registered in the notice of consultation filed on March 23rd, with the exception that STPS will ensure that any errors in the list filed on March 23 are corrected prior to the new vote.
11. The STPS will prepare and disseminate materials - audiovisual and printed - on the rights of workers within the framework of the process of legitimation of the collective contract of work. These materials will inform workers about the effects of the two possible voting results, including that under Transitional Article 11, workers retain all their rights under the CBA regardless of the outcome of the vote. The materials will also note the mechanisms to present nonconformities and complaints to STPS, and will inform workers that their right to vote in the legitimization process is not subject to attending any meetings beforehand. The materials will, in addition, inform workers that the April vote was annulled because STPS found irregularities in connection with the vote. STPS will ensure due dissemination of the materials in the places with greater influx and visibility, in order to encourage the consultation to take place in conditions of freedom and democracy.
12. STPS will validate any informational materials that the company or union develop or disseminate. These materials must be aligned with STPS' institutional materials. The company will spread – by physical and electronic means – between workers, as well as in the most visible places of the workplace, a declaration of neutrality highlighting its respect for the majority decision. The declaration will prominently include a guarantee

from the company that workers will not be retaliated against for exercising their rights, as well as a statement that the company has a zero-tolerance policy for any reprisals in connection with the vote and for any intimidation by company employees. The declaration will tell workers that the company is not involved in the vote and that the facility will not close if the CBA is not ratified. The declaration will also make clear that the company is not involved in, and does not endorse, the content of union meetings. In the same way, the company will guarantee the delivery, 10 days prior to the vote, to all workers with voting rights, of a printed copy of the CCT, accompanied by informative materials issued by the STPS.

13. The STPS email address for grievances will be monitored daily during the reinstatement of the process so that all workers can report to the STPS about any act of intimidation or irregularities in the framework of this process. STPS will inform workers before the vote, by electronic and physical means, of their ability to report any retaliation, and will provide the STPS email address, and a hotline phone number available for receiving complaints as well as for speaking with STPS officials. STPS will allow workers who filed a complaint during the 5 day-post voting window to provide additional information within 3 weeks after the vote and STPS will respond to each complaint letting workers know they can do so. The company will also permanently maintain a mechanism that permits workers to make an anonymous report of any act of intimidation, retaliation, or misinformation.
14. The company will abide by the terms of the FOURTH resolutive of the resolution of May 11 of 2021.⁷ For this purpose, it will provide the necessary facilities to the STPS and the union so that the reinstatement of the legitimization procedure is carried out in the places, dates and schedules that are established, ensuring that workers can vote before, during or after their working day and that the personnel transport services work properly. Likewise, it will allow the verification conducted by the inspectors to include personnel transportation services.
15. The company and STPS will create an environment free from intimidation and coercion. The company will instruct all employees, workers, and contractors not to engage in intimidation and coercion. As part of that instruction, the company will provide examples of what intimidation and coercion may look like in connection with the legitimization vote, such as demanding workers vote in a certain way or that they not vote, or forcing workers to listen to information about the legitimization process against their will. The company will investigate and report to STPS any alleged intimidation and coercion related to the legitimization process, including on company-provided transportation and at company-controlled drop-off and pick-up sites for that transportation. STPS will also prohibit any worker from being required or asked by the company, a company transportation provider, or the union, to sign blank pages or documents for any reason.
16. The company will ensure that no company personnel engage in any intimidation or coercion with respect to the legitimization process, including with respect to workers'

⁷ STPS Resolution about the Legitimization Process of the CBA between the union and the company, May 11, 2021.

attendance at union meetings. The company will ensure that company supervisors, team leaders, human resources officials, and other company officials, are not part of or appearing to endorse the content of, any union meeting, and at no time before the conclusion of the vote express to workers eligible to vote any views about the vote or the legitimization process.

17. The company will ensure that any reprisals taken in connection with the legitimization process, including both the vote scheduled for April 2021 and the vote now scheduled for August 2021, are remedied. Remedies must include, but not be limited to, undoing any retaliatory transfers, demotions, changes in hours, or other personnel actions, as well as the payment of compensation for any financial loss experienced by a worker as a result of any such act. The company will investigate any instances of retaliation of which it becomes aware and promptly take action. STPS will promptly and thoroughly investigate all allegations of retaliation of which it becomes aware. The company will take all actions necessary to facilitate such investigations, including by providing STPS inspectors, on their request, with access to the facility and company records and other documentation, as well as by requiring all managers, team leaders, human resources officials, or others who may play a role in personnel actions, to respond to questions from and otherwise cooperate with, investigators and inspectors. The company will take any remedial action determined by STPS to be appropriate, and will take personnel action against any employee found to have engaged in retaliatory actions or to have refused to cooperate with an investigation into such action.
18. Mexico, including STPS, will continue investigating all individuals, organizations, and entities, responsible for the conduct that led to the suspension of the April 2021 vote or for any other violation of law that may have occurred in connection with the legitimization process – including anyone that has told workers that not ratifying the CBA will lead to workers losing their benefits under the CBA. If potential violations of law occur in the future in connection with the legitimization process, including during the August vote, and come to the attention of STPS, STPS will likewise investigate those potential violations. All Mexican investigating authorities will complete their investigations, and take such steps as follow from the results of those investigations, as soon as possible. STPS will issue a legal warning to the union, establishing a zero-tolerance policy for misconduct in any way connected to the August vote. The notice will specify that any individual engaging in misconduct will have no role in the administration of the election or presence in the voting area, and will, if not a company employee, be prohibited from being present in the facility until after the vote and all subsequent vote-related procedures.
19. STPS will ensure that the union abides by the terms of STPS's Resolution on the Legitimization Vote, including its order that the union refrain from taking any actions or measures that could impede, limit, or inhibit the freedom and secrecy of the vote, including misinformation actions, intimidation, or reprisals. STPS will take all necessary steps to ensure that the company and the union take all actions required of them under this Course of Remediation.
20. STPS will continue working with the CFCRL's Governing Board on the reviewing and

updating of the Federal Center's Protocol on the Legitimization Process based on the experiences learned from the legitimation process for GM-Silao, in order to strengthen the CFCRL's capacities of supervising, investigating and sanctioning violations that could occur before, during and after the voting. The Federal Center's Protocol will also include comprehensive transparent criteria for accrediting observers.